UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13,14,16-23 and 26-29* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13,14,16-23 and 26-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed 11/14/2008 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1-4, 6-11, 13-19, and 21-29 rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. 2003/0002521 to Traversat et al (hereinafter Traversat) in view of US

2004/0025669 to Hughes et al (hereinafter Hughes).

       Regarding claim 1, Traversat teaches a system for discovering potential devices on a

peer-to-peer (P2P) network, comprising: a seeker device (Traversat, Fig. 13-15 disclose

requesting peers (i.e. seeker device) which look for peers on the network.); and a plurality of

end-user devices operatively connected to the P2P network (Traversat, Fig. 1B discloses a

plurality of peer devices connected to a P2P network.); wherein each of the plurality of end-user

devices is associated with at least one identity files, each identity file comprising at least one

searchable element (Traversat, Paragraph [0297], Peers send peer discovery messages and peer

response messages which comprise elements used to provide information and identification.

Paragraph [0300]-[0306] identify attributes (i.e. plurality of searchable elements) of the

discovery query message. Paragraphs [0310]-[0315] identify attributes of the response message.

See also paragraphs [0206]-[0215] describing service advertisements.);

wherein at least one of the plurality of end-user devices post their at least one identity

files on the P2P network using a Web service request to a Web Service Provider (Traversat,

Abstract, system for providing resources (i.e. services) to network devices (i.e. devices

requesting the service). See also, [0015-0019], P2P files delivering services. Paragraph [0297]

and Figures 12-17 disclose peers posting their identity to other peers, discovery proxies, and

rendezvous proxies. Paragraph [0292], The discovery proxy receives discovery messages from

other peers. Paragraph [0291], Rendezvous peers cache peer and peer group information.);

wherein the seeker device receives a search form including a plurality of search fields

from the Web Service Provider, a user of the seeker device manually enters data into at least one

of the search fields, and the seeker devices searches the identity files posted on the P2P network

for matching the entered data to determine at least one device of the end-user devices for a

collaboration session (Hughes, [0050], a user initiated search query (including a plurality of

search fields such as title, artists name, or genre) is submitted to the server. The results of the

search include all the files found by the search. [0051], the user is presented with a listing of all

downloadable files corresponding to the search query.); and

wherein the seeker device initiates the collaboration session with the determined end-user

devices (Hughes, [0051], the user is presented with a listing of all downloadable files

corresponding to the search query (i.e. in order to download from the peer-to-peer network. See

also [0003-0007].).

Therefore it would have been obvious to one of ordinary skill in the art at the time of

invention to combine wherein the seeker device receives a search form including a plurality of

search fields from the Web Service Provider, a user of the seeker device manually enters data

into at least one of the search fields, and the seeker devices searches the identity files posted on

the P2P network for matching the entered data to determine at least one device of the end-user

devices for a collaboration session as taught by Hughes with the system of Traversat in order to

provide additional functionality to searching in a peer-to-peer network (Hughes, [0050-0051],

abstract.) as well as to be able to filter search results from a peer-to-peer network according to

specific characteristics, such as the downloadable file's level of audio quality (Hughes, [0050-

0051, abstract.)

Regarding claim 2, the combination of Traversat and Hughes teaches the system of

claim 1, wherein the seeker device is a seeker end-user device and the plurality of potential

devices are a plurality of potential end-user devices (Traversat, Figures 12-17 discloses peers as

seeker end-user devices and potential end-user devices.).

Regarding claim 3, The combination of Traversat and Hughes teaches the system of

claim 2, wherein the seeker end-user device and each of the plurality of potential end-user

devices comprises at least one of a personal digital assistant, a laptop, and a cellular phone

(Traversat, Fig. 1B).

Regarding claim 4, The combination of Traversat and Hughes teaches the system of

claim 1, wherein the at least one identity files of the plurality of the potential devices is

downloaded from the Web service provider in response to the seeker device sending a Web

service request to the Web service provider (Traversat, Paragraph [0202], A service

advertisement uses a WSDL access method to define messages and the collections of operations

supported by the service using a WSDL schema.).

Regarding claim 6, The combination of Traversat and Hughes teaches the system of

claim 1, wherein the seeker device is a machine connected to an IP network (Traversat,

Paragraph [0069] discloses peers (i.e. seeker devices) connected to an IP network.).

Regarding claim 7, The combination of Traversat and Hughes teaches the system of

claim 1, wherein the P2P network comprises at least one of Kazaa, OpenNAP, Gnutella,

FastTrack, LimeWire, eMule/Kademlia, and Napster (Traversat, Paragraph [0015] discloses

Napster and Gnutella P2P networks. Paragraph [0098] discloses P2P network comprising

Napster.).

Regarding claim 8, The combination of Traversat and Hughes teaches the system of

claim 1, wherein each identity comprises an extensible markup language (XML) file (Traversat,

Paragraph [00274] discloses delivery messages (i.e. identity files) as XML messages.).

Regarding claim 9, The combination of Traversat and Hughes teaches the system of

claim 1, wherein the collaboration session is independent of the P2P network (Traversat,

Paragraph [0292], The discovery proxy receives discovery messages from other peers. Paragraph

[0291], Rendezvous peers cache peer and peer group information.).

Regarding claim 10, The combination of Traversat and Hughes teaches a method for a

seeker device discovering potential collaborators on a peer-to peer (P2P) network, comprising:

discovering one or more entry point nodes to the P2P network (Traversat, Fig. 15 discloses a

requesting peer discovering another peer.); registering a seeker device on the P2P network based

on the discovered nodes (Traversat, Paragraph [0028], Rendezvous nodes cache bootstrap node's

(i.e. seeker device) advertisements.); downloading a search form to the seeker device, wherein

the search form includes a plurality of search fields for identifying the potential collaborators

manually entering data into at least one of the search fields by a user of the seeker device

(Hughes, [0049-0050].); performing a search by the seeker device on the P2P network to

determine identifying files that include the manually entered data (Hughes, [0050], a user

initiated search query (including a plurality of search fields such as title, artists name, or genre) is

submitted to the server. The results of the search include all the files found by the search. [0051],

the user is presented with a listing of all downloadable files corresponding to the search query);

determining collaborators for a collaboration session from the potential collaborators on the P2P

network that correspond to the identity files (Hughes, [0005-0008], files downloaded over a P2P

network from a plurality of sources (i.e. collaborators). See also, [0053].); and initiating at the

collaboration session between the determined collaborators (Hughes, [0049-0053], after a search,

the download is initiated.).

Regarding claim 11, The combination of Traversat and Hughes teaches the method of

claim 10, further comprising performing identity provisioning (Traversat, Fig. 15-17, Peers

perform self provisioning by acting as senders and receivers of discovery query messages and

discovery response messages. Paragraph [0291], Rendezvous proxy is used by other peers to

discover each other. The rendezvous proxy may itself be a peer (i.e. self provisioning).).

Regarding claim 13, The combination of Traversat and Hughes teaches the method of

claim 10, further comprising obtaining service and identity availability for a result of the search

results (Traversat, Paragraph [0274], XML messages comprising discovery requests and

responses.).

Regarding claim 14, The combination of Traversat and Hughes teaches the method of

claim 10, further comprising narrowing the search by searching only the identity files whose

filenames include data for at least one of the search fields (Hughes, [0052], search results are

narrowed by threshold level.).

Regarding claim 16, The combination of Traversat and Hughes teaches the method of

claim 10, wherein discovering one or more entry point nodes to the P2P network comprises:

querying a Web service running on a Web service cluster (Traversat, Fig. 13-17 discloses a peers

sending request messages to other peers including rendezvous proxies and discovery proxies.);

receiving an identity form from a Web service provider in response to a Web service request

(Hughes, [0049-0053], search form.), the identity form comprises a plurality of information

fields (Hughes, [0049-0053], title, genre, etc.); populating one or more of the plurality of

information fields; and posting the identity form on the P2P network (Hughes, [0050], a user

initiated search query (including a plurality of search fields such as title, artists name, or genre) is

submitted to the server. The results of the search include all the files found by the search. [0051],

the user is presented with a listing of all downloadable files corresponding to the search query.).

Regarding claims 17, 27, and 28, The combination of Traversat and Hughes teaches the

method and machine-readable medium for a seeker device discovering potential collaborators on

a peer-to peer (P2P) network, comprising: registering the seeker device with the P2P network

(Traversat, Paragraph [0280], Peers register through the rendezvous node.); initiating a Web

service to a Web service provider (Traversat, Paragraph [0146]-[0148], Peers provide services to

other peers.); requesting an available P2P server on the P2P network from the Web service

provider using the Web service (Traversat, Paragraph [0146]-[0148], Peers search for and use

services requested from nodes providing the service.); registering the available P2P server in a

Web service cluster using the Web service (Traversat, Paragraph [0146], A peer publicizes a

service by publishing a service advertisement for a service which allows other peers to discover

the service.); downloading a search form from the Web service provider to the seeker device,

wherein the search form includes a plurality of search fields for identifying the potential

collaborators (Hughes, [0050], search form, user initiated search query including a plurality of

search fields such as title, artists name, or genre.);performing a search by the seeker device on

the P2P network to determine identity files having file names that include data for at least one of

the search fields (Hughes, [0050], a user initiated search query is submitted to the server. The

results of the search include all the files found by the search. [0051], the user is presented with a

listing of all downloadable files corresponding to the search query.); determining the

collaborators that correspond to the determined identify files; and initiating a collaboration

session with the collaborators (Hughes, [0005-0008], files downloaded over a P2P network from

a plurality of sources (i.e. collaborators). See also, [0053]. See also, Traversat, Abstract,

Resources give the devices access to services which implement P2P platform protocols.

Paragraph [0145], Peers publicize a service by publishing service advertisements for the service

which other peers then discover (i.e. form a collaboration). Paragraph [0015] also discloses P2P

systems for delivering services. Paragraph [0098], Bridging is used to connect (i.e. initiate a

collaboration session) peers.), wherein the identity files are stored as one of an XML file on a

P2P shared directory on one of the determined collaborates or on a distributed Hash Table on the

P2P network (Traversat, [0169-0179], identity files are stored on peer nodes (i.e. shared

directory). Peer nodes store and share identity files which are represented in XML.).

    Regarding claim 18, The combination of Traversat and Hughes teaches the method of

claim 17, wherein registering with a P2P network comprises registering automatically with the

P2P network when the seeker device connects to an IP network (Traversat, Paragraph [0099] discloses automatic discovery (i.e. registering automatically).).

Regarding claim 19, The combination of Traversat and Hughes teaches the method of claim 17, wherein initiating a Web service to a Web service provider comprises initiating a Web service to a Web service provider using HTTP/XML/SOAP protocols (Traversat, Paragraph [0205], web service advertisements use XML protocol.).

Regarding claim 21, The combination of Traversat and Hughes teaches the method of claim 17, wherein requesting an available P2P server on the P2P network from the Web service provider using the Web service comprises sending a Web service request using a Web service to the Web service provider, the Web service request requesting a list of available P2P servers (Traversat, Fig. 13-17 disclose sending discovery messages (i.e. requesting a list of available P2P servers). The peers may be service providers. See paragraphs [0206]-[0215].).

Regarding claim 22, The combination of Traversat and Hughes teaches the method of claim 21, wherein sending a Web service request using a Web service to the Web service provider comprises sending a Web service request defined in a WSDL service descriptor file using a Web service to the Web service provider (Traversat, Paragraph [0202], A service advertisement uses a WSDL access method to define messages and the collections of operations supported by the service using a WSDL schema.).

Regarding claim 23, The combination of Traversat and Hughes teaches the method of

claim 17, further comprising performing identity self-provisioning on the P2P network by:

receiving an identity form from the Web service provider in response to a Web service request

(Traversat, Figures 15-17 disclose receiving a response message (i.e. identity form).), the identity

form comprises a plurality of information fields (Traversat, Paragraphs [0310]-[0315] identify

attributes of the response message. See also paragraphs [0206]-[0215] describing the attributes of

service advertisements); populating one or more of the plurality of information fields; and

posting the identity form on the P2P network (Traversat, Paragraph [0028], Rendezvous nodes

cache advertisements (i.e. identity forms) for other nodes.).

Regarding claim 26, The combination of Traversat and Hughes teaches the method of

claim 17, wherein the collaboration session is independent of the P2P network (Traversat,

Paragraph [0292], The discovery proxy receives discovery messages from other peers. Paragraph

[0291], Rendezvous peers cache peer and peer group information. Paragraph [0026], Peers

discover each other on the P2P network and communicate (i.e. initiate a collaboration session)

with each other. Paragraph [0098], Peers communicate irrespective of P2P network. See also

[0022].).

Regarding claim 29, The combination of Traversat and Hughes teaches the method of

claim 10, wherein each identity file is stored as one of an XML file on a P2P shared directory on

a potential collaborator or on a distributed Hash Table on the P2P network (Traversat, [0169-

0179], identity files are stored on peer nodes (i.e. shared directory). Peer nodes store and share

identity files which are represented in XML.).

4.   Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

combination of Traversat and Hughes in view of U.S. 2003/0217140 to Burbeck et al (hereinafter

Burbeck).

        Regarding claim 5, The combination of Traversat and Hughes teaches the system of

claim 1, wherein the seeker end-user device logs on a Web service provider to gain access to the

P2P network using Web services and simple-object access protocols (SOAP) over hypertext

transfer protocol (HTTP) and internet protocol (IP) networks (Traversat, Paragraph [0202], A

service advertisement uses a WSDL access method to define messages and the collections of

operations supported by the service using a WSDL schema.). Burbeck discloses providing web

services to nodes in a P2P network using SOAP to provide XML-based messaging in paragraph

[0057] of Burbeck.

        Therefore it would have been obvious to one of ordinary skill in the art at the time of

invention to combine using SOAP as taught by Burbeck with the system of the combination of

Traversat and Hughes in order to provide the discovery and publication of web services in a P2P

network (Burbeck paragraph [0057]).

        Regarding claim 20, the combination of Traversat and Hughes teaches the method of

claim 17, further comprising discovering the Web service provider using a UDDI Web service

registry and business entities (Burbeck, paragraph [0057], Web services are provided using

UDDI messages to access a UDDI registry.).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-11, 13-14, 16-23, and 26-29 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003.

The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/
/Larry D Donaghue/
Primary Examiner, Art Unit 2454